ELECTION '09

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BABUS IN THE FRAY

DISENFRANCHISING THE POOR

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gfiles

INSIDE THE GOVERNMENT

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BIG BOSS

cabinet secretary | km chandrasekhar

'Strong economic recovery by the end of the year'

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BIG BOSS

THE 29th Cabinet Secretary of independent India might appear mild but is quite hardboiled, having learnt the art of administration from his father, Kesava Menon, who was Chairman of the Railway Service Commission. KM Chandrasekhar was born in Kerala but grew up in Delhi. After graduating from St Stephen's, he got an MA in history from the University of Delhi. He also studied business administration. His accession to Cabinet Secretary was a matter of course after his stint as Revenue Secretary during a period when revenue collection was low. Chandrasekhar put into use what he had learnt as Finance Secretary in Kerala. From Rs 3,48,474 crore in the 2006 Budget, total revenue receipt jumped to Rs 4,86,422 crore the next year – an increase of Rs 54,991 crore.

Chandrasekhar has travelled a long way from his start as a Collector in Idukki in 1977. He has been Chairman of KELTRON; as Secretary, Fisheries, he eliminated middlemen to get better prices for fishermen; as Chairman, Civil Supplies Corporation, he established Maveli Stores, a superbazaar, in which he developed a Public Distribution System for essential commodities with competitive prices; he also set up a 95-acre techno park in Kerala. He has been Commerce Secretary and Ambassador to the World Trade Organization (WTO), Geneva. At the Cancun convention, he asserted the interests of India, leading to developing countries assuming greater importance in the Doha negotiations.

interviewed by **ANIL TYAGI/ Dr GS SOOD**

gfiles: *Has Election 2009 brought you some respite from hectic work?*

KM Chandrasekhar: No respite from work. Now it is election-related meetings.

gfiles: *How do you see these two years as Cabinet Secretary with regard to work, satisfaction and achievements?*

KMC: You move from one area to another fast. It is not like being a Secretary of a Ministry where you are dealing with a specific area. In the morning, you start with law and order. In the afternoon, you have economic problems and in the evening you are handling rural development. You have to absorb and try to find a solution. Basically, it is a question of getting people together, getting them to speak, and then looking for consensus. Convergence emerges, almost always. I have emphasized developing contact with the states.

gfiles: *What are some new initiatives?*

KMC: With video conferencing, all the Chief Secretaries are connected. I have held about five or six meetings with states till now. We have looked at specific issues, especially the economic stimulus package, and its implementation. I held a meeting on January 31 this year in Vigyan Bhawan on video conferencing. In April I propose to hold another video conference with states on crisis management plans. The National Security Adviser will also join in.

gfiles: *Some recent challenges?*

KMC: The past year has been difficult. We had a lot of law and order problems, and then we had Mumbai. We had three Pay Commissions, the Central Commission, the public sector one and the third for teachers. Then there was the issue of availability of fertilizer. And then the economic crisis hit.

'Performance evaluation is lacking in India. We have the ACR system. They take weeks. There are imbalances. These things have to be corrected'

gfiles: *Is the Pay Commission policy your major contribution?*

KMC: By and large it has been welcomed. This is the most difficult exercise because everybody is looking not at personal increase but parity with others. This parity business is difficult to achieve, particularly in the Central government pay structure. A huge change has been made in the structure. We had many pay scales. They were combined into four bands.

gfiles: *Law and order is a major problem. Why is India being attacked?*

KMC: We have become economically stronger. The people of this country have realized that there is much to be gained by economic stability. Incomes are growing. There is change. To a great extent this has resulted in weakening the internal militancy. Look at how many people voted in

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INSIDE THE GOVERNMENT
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From the Editor-in-Chief

THIS April *gfiles* celebrates its second birthday. By any yardstick this is a milestone. It is no mean achievement to have kept alive – aggressively alive – the country's first independent glossy magazine written, designed and produced for India's civil services: the vast and formidable network of bureaucracies and public sector organizations that provides continuity and stability to this nation's governance.

We have not only survived the vicissitudes of the declining market but have become stronger editorially, in our reach, and, I believe, in getting our points of view – no matter how controversial – to the people of this country who debate, decide and implement. So far, we had jealously guarded and maintained our exclusivity in the sense that *gfiles* was initially made available free of cost to a select readership of the men and women who lead the Indian Administrative Service (IAS), the Indian Foreign Service (IFS), the Indian Police Service (IPS), the Indian Revenue Service (IPS), Class I Union services as well as a host of Allied Services.

This core group expanded – as nationwide awareness of the magazine grew and readers were willing to pay our subscription price – to include corporate heads, foreign diplomats, Ministers, MPs, thinktanks, educational institutions, journalists, and a host of what we call "thoughters" and "influencers". This expanding audience of loyal readers made it obvious that the issues of Good Governance and Best Governance Practices concern not just bureaucrats but everybody who is interested in nation-building, the delivery of economic progress with equity, justice, and security.

We have not only increased our circulation within the resources available to us (remember, we are not funded by any corporate house or entity) but are now mailing a web version of our magazine to an initial base of 30,000 readers. In case you are a first-time reader or have missed an issue, you can read *gfiles* at www.gfilesindia.com. Still, in order to maintain our editorial standards, and maintain our freedom, we would encourage existing and new readers to take paid subscriptions. We are a niche product, a unique offering, we may be small but we have a big voice – and people listen and respond. This is *your* magazine. It does not pander, it does not infotain, it does not go in for gimmickry. Nation-building and exploring and enunciating public policy issues is a serious business, but we tackle these editorial goals with a lightness of touch and a certain amount of nimblefootedness.

This issue's cover story is an interview with Cabinet Secretary Chandrasekhar. This is propitious. We carried a profile on him in the third issue of *gfiles* when he was about to assume the post. Two years later he speaks with confidence, maturity and a unique analytical wisdom born of experience about his years as the chief of India's civil services: the challenges of law and order, extremism, Mumbai terror, changing administrative mores, the Pay Commission and parity problems, fertilizer policy, the economic crisis and the stimulus plan, unequal development, and the resilience of the Indian rural economy and indigenous industrial sectors.

These are some of the very subjects that have been the warp and woof of *gfiles*' editorial weave over its existence. Chandrasekhar declaims with authority and humility, blended with a wry Stephanian humour. What a perfect birthday gift for our second anniversary!

INDERJIT BADHWAR

LETTERS: "Waste not, Want not" (February 2009) contains uncharitable observations about the CPOs. Maj. General Suman has cogently argued the case for resettlement of ex-servicemen, but there was no need for him to run down the CPOs. Some officers do not seem to realize the enormous difficulties under which the paramilitary organizations have to function. These forces have no peace stations and its personnel move from one difficult area to another. Hard service conditions are forcing an increasingly large percentage of men to seek voluntary retirement. Political interference is no doubt affecting the performance of the CPOs. Those politically insulated cannot appreciate the problems and difficulties arising therefrom. The observation, however, that CPO officers "do the bidding of their political masters without a whimper of protest" is unwarranted. We have the highest regard for the Army

LETTERS

Continued from page 3

and we salute it for its performance and high standards of discipline. However, Army officers would do well not to throw mud at sister forces. They should show greater imagination and understanding in appreciating the working conditions of the paramilitary forces.

Prakash Singh, former Director General, Border Security Force

Excellent headline ("Grassroots planning has never been implemented" (March 2009)! I think the predicament of IAS and IPS officers in chaotic states like UP has something to do with the nature of the Constitution that governs the country.

Lianpu Tonsing on gfiles blogs

I am pleasantly surprised, indeed impressed and elated, by *gfiles*. It would match, if not score over, any of the reputed magazines in the US. The contents are germane and ingeniously presented. In addition, I found the contents to be informative, educative, and intriguing. They exhibit an incisive discernment of the nooks and crannies of the Indian government. The articles show the multifarious dimensions of the Indian polity and painstakingly delineate the intricate infrastructure of diverse institutions.

CL Sharma, Professor Emeritus, University of North Carolina, US and visiting professor at Universidad Industrial de Santander, Bucaramanga, Colombia

BIG BOSS

'The past year has been difficult. We had law and order problems, we had Mumbai. We had three Pay Commissions and then the economic crisis hit'

Continued from page 2

Kashmir. In such a situation, to create any kind of uncertainty you need to do very violent things. That is why India is being attacked.

gfiles: *What about the economic slowdown?*

KMC: The effects of the economic crisis have been muted, primarily because we have a strong rural economy. We have not been affected much because we have policies like high minimum support price mechanism in place for agricultural products. We have many flagship programmes, so there was more income in that sector. That income resulted in more demand. Many sectors in the Indian economy continue to be strong. FMCG, steel, food processing, cement, and infrastructure are growing at a certain pace.

gfiles: *But private companies and banks have started retrenching people.*

KMC: India cannot remain untouched. What I am emphasizing is that the effect of this crisis will be felt less in India than other countries. We see some signs of change. Even the automobile industry is recovering.

gfiles: *How much time will we take for recovery?*

KMC: I am hoping this year we will be able to do a lot better. We have to see how quickly the global economy recovers. Internationally, there is need for concerted action. The International Monetary Fund forecast is that in one to two years, the economy should start turning around. I am hoping that in India it will take place earlier – maybe by the end of this calendar year.

gfiles: *What do you do when the Cabinet intends to take a decision which the Cabinet Secretariat fears may boomerang?*

KMC: If there is a difference of opinion it is referred to the Committee of Secretaries or a Group of Ministers is constituted. They recommend a modification. The Cabinet, however, is the final authority.

gfiles: *Isn't the concept of Group of Ministers subverting the authority of the Cabinet?*

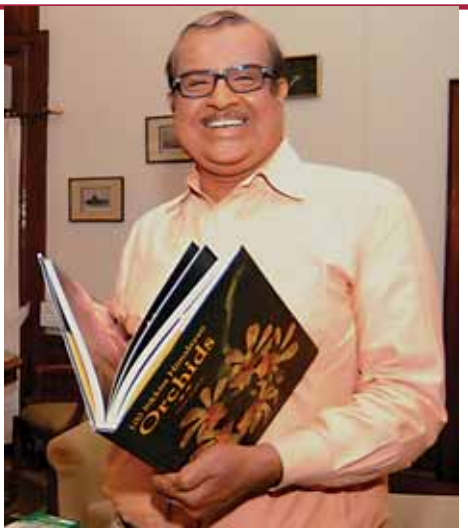
KMC: No. It is a mechanism devised to facilitate decisionmaking. If there are differences of opinion in the Cabinet, how will they be resolved? The Cabinet last year took the largest number of decisions ever. This was facilitated by the existence of mechanisms for resolution of differences.

gfiles: *Manmohan Singh has emphasized that the process of consultation in the government should be minimized. How far has this been achieved?*

KMC: The Prime Minister has given a lot of importance to the institution of the Committee of Secretaries to resolve issues. So when an issue becomes intractable there is increasing interaction between the Ministries and Secretaries. Reducing the number of layers is an on-going exercise.

gfiles: *There is a general feeling that we take too much time in reaching a decision.*

KMC: We are constantly monitoring when a file goes in and out. In the Cabinet



'We have to make sure that the rural sector develops at the same pace as sectors like services, manufacturing and the urban sector. There has to be balance'

Appointments Committee, it used to take 50 days from establishment officer to Prime Minister's Office. Now it is 17 days. We are electronically connected so it is easier now. Many Ministries are simplifying procedures. Take Customs. They have improved a lot. They have introduced a risk management system. The Commerce Ministry has also changed their system. The External Affairs Ministry has expedited the passport system. It is happening every day. It is invisible but can be felt.

gfiles: *It is said that the Cab Sec is not inaccessible. Do you meet common people?*

KMC: Secretaries get appointments immediately. Chief Secretaries can speak to me anytime. Others I meet during the first half of every Saturday. I finish the backlog of files at home on Sunday.

gfiles: *As the ex-officio Chairman of the Civil Service Board, what reforms do you suggest?*

KMC: Performance evaluation and performance management. We need to do a lot of work from the Cabinet Secretariat. I have an expert, Prajapati Trivedi, who has done a lot of work in this field. He is Secretary, Performance Management. Many countries have introduced an MoU system. You have an understanding on what will be the performance and what will be the results and you give them a little flexibility and let them be free to operate. At the end of the year, you evaluate. It has apparently been successful in Canada. Some African countries are also trying it.

Performance evaluation is lacking in India. We have the ACR system. While evaluating empanelment, we go through a thorough exercise. Retired officers look at the CRs in detail. They take weeks. Sometimes, there are imbalances – you get an excellent report for most of your career and suddenly a bad report for no clear reason. All these things have to be corrected. We are working with the Lal Bahadur Shastri Academy of Administration and experts on evaluation. We have introduced transparency. The empanelment guidelines have been put on the website.

gfiles: *With reference to the Lal Bahadur Shastri Academy, how do you find the new stream of the service?*

KMC: Lots of change has taken place. There are youngsters who are committed. When I was a Collector, I did not have access to any money. Today they have access to thousands of crores of rupees in districts. If they are able to make use of all these resources, and if they are able to effect a certain degree of convergence of various schemes, they can bring about really solid change in districts. The public sector is more flexible. If you have an idea, you can carry it through.

gfiles: *Isn't the power of the Collector curtailed? He is under stress – too many committees and too much political pressure.*

KMC: It is no longer the colonial era. We have to work with democratic institutions. We also need to develop team spirit. You can't order people. You can't do it on the basis of writing CRs. Yes, the field work is much more. You are a district Collector so you have to do it, you have to evolve the means.

gfiles: *What is India's biggest challenge?*

KMC: We have to make sure that the rural sector in particular develops at the same pace as sectors like services, manufacturing and the urban sector. There has to be balance. Another challenge is what to do with the people below the poverty line. It is the most terrible thing when small children don't have food to eat. They don't have hospitals for treatment. We have to create the system for the poorest of the poor.

gfiles: *Other challenges?*

KMC: Insurgency and militancy. The movements in the Northeast are descending into plain extortion. Militancy anywhere in the country has to be dealt with firmly. Another issue is traditional – education and healthcare for all. Infrastructure is one area where India is lagging. We need to invest more to build roads, ports, railway lines, railway bridges, underbridges.

gfiles: *What about low input from the agriculture sector? You can achieve everything but if agriculture doesn't recover it will become a major challenge.*

KMC: We are not like the developed countries where they have big farms. We have small landholding-based agriculture. We have a large number of schemes. ICAR is doing a lot of research. You need a set of factors – seed, credit, fertilizer, and technology. Our inputs are heavily subsidized. The government is aware of the problem and we are doing our best.

gfiles: *In the coalition era, does the job of Cabinet Secretary get affected?*

KMC: *(laughs)* I cannot say. Throughout my career I have served coalition governments. It is not unfamiliar or uncomfortable for me.

gfiles: *Understandable, since you are from Kerala! But isn't dealing with Lalu Yadav, Sharad Pawar and Mulayam Singh Yadav difficult?*

KMC: Sometimes dealing with a national politician is much easier than dealing at district level. The perspective of a national leader is different. They have been Chief Ministers in the states, they are their respective parties' leaders. So the atmosphere is congenial. I have never faced any problems. g

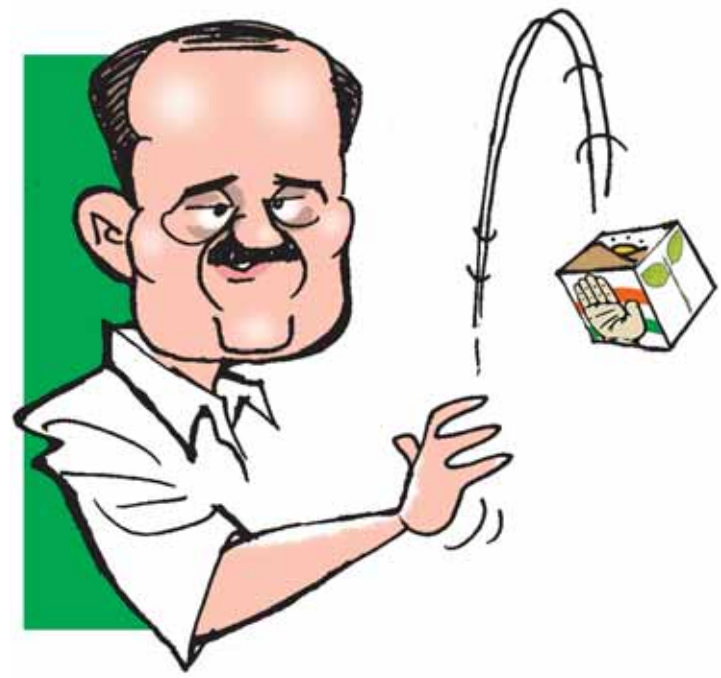
political shunting, largely loose

Ramadoss' fanciful diagnosis
seeks pmk-cong pact

UNION Health Minister Anbumani Ramadoss is under pressure from his wife, Sowmya, to ensure that the regional Pattali Makka Kakshi (PMK) join hands with the Congress rather than one of the two Dravidian parties in Tamil Nadu. The PMK is headed by Anbumani's father, S Ramadoss, while Sowmya happens to be the daughter of former TNCC president V Krishnaswamy. Her brother, Vishnu Prasad, is a sitting Congress MLA.

The senior Ramadoss has always gone with either the AIADMK or the DMK, and whichever the PMK has aligned with has emerged triumphant. This time he wants to ally with the AIADMK. He has been bitterly critical of DMK rule in the southern state, which is threatening to vertically split its cadre.

The Congress, on the other hand, is a spent force and is in a shambles. But, like his wife, Anbumani believes that since Karunanidhi's son, Stalin, is set to take over the reins of the DMK from his ageing father, the PMK can emerge as a political force only by aligning with the Congress. Political pundits are scoffing at what they dismiss as a mirage!



Jaswant ditches Advani
prefers singapore to orissa

WHAT do Thakur leaders do when their citadels are threatened? Defend or run? Traditionally, they have done the former. But, in the case of a Thakur belonging to the BJP, it's a different story. When the Biju Janata Dal (BJD) decided to quit the NDA, the Prime Minister-in-waiting was searching desperately for a suave troubleshooter. All the search results threw up the name of Jaswant Singh. The Thakur, whose love for anything equestrian is well known, was to have galloped to the bad lands of Orissa and won back the heart of Pappu, as Naveen Patnaik is fondly referred to by his close friends.

Messengers from the Advani household ran helter-skelter in search of the Thakur but returned emptyhanded. He was finally traced in Singapore, where he had gone ostensibly to speak on the gloomy economic scenario. But Advani's backroom boys were clueless as to his hotel.

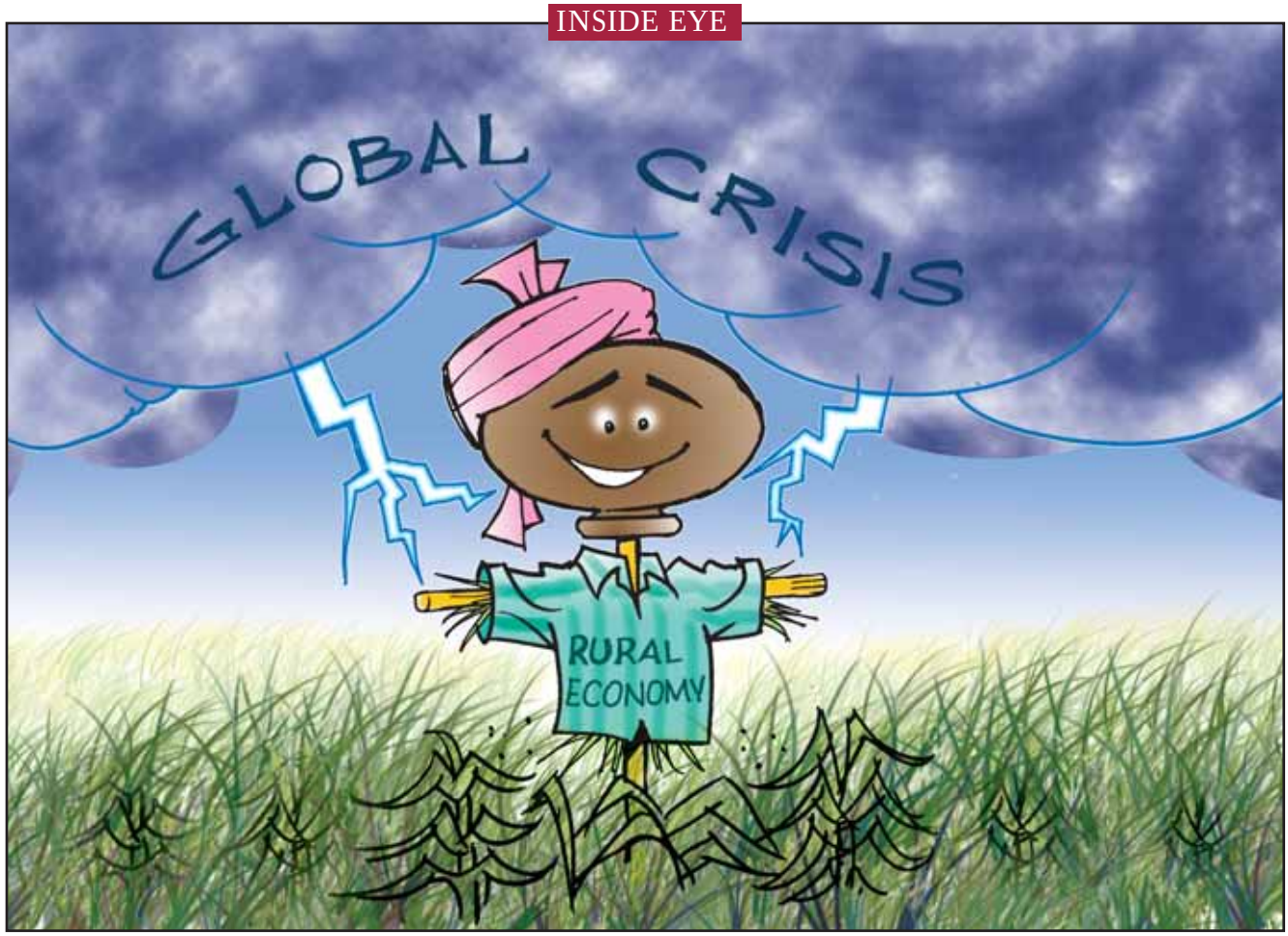
Ultimately, Advani's friend, journalist Chandan Mitra, was sent to Orissa in a bid to paper over the crack in the relationship, but in vain. Meanwhile, people are still intrigued over Jaswant's escape to Singapore. One elucidation is that he wanted to avoid blame from the Advani camp for what would in all likelihood have been a failed attempt to reconcile Patnaik.

Jaya biding time
ponders move to delhi

WITH Assembly elections in Tamil Nadu still some two years away, AIADMK supremo J Jayalalithaa is desperately seeking a change of scene from her home state. With political rival and DMK Chief Minister M Karunanidhi turning the heat on her in Tamil Nadu with a multitude of cases against her, she believes Delhi could be a good place to bide her time and play a more active role in the national political arena after the general election. But party insiders insist she is woefully short of resources (even though she is secretly building a house in south Delhi at a cost of tens of crores of rupees).

Jayalalithaa is also eyeing a Ministership at the Centre when the new government takes office in May. Despite the blow hot, blow cold relationship with Congress chief Sonia Gandhi, she might not be averse to backing the Congress-led UPA as a last resort and seeking her pound of flesh in the event of the AIADMK bagging more than 20 of the 39 Lok Sabha seats in Tamil Nadu.

During the one-day fast she recently undertook for the beleaguered Tamils in neighbouring Sri Lanka, Jayalalithaa col-



ILLUSTRATIONS: ARUNA

lected about Rs 2.16 crore. She decided to donate the money to the India operations of the International Red Cross Society to provide humanitarian and medical assistance to civilian Tamils in northeastern Sri Lanka. But, in doing so, she gave the proper procedure a go-by. She flew three Red Cross officials from Delhi to Chennai and hosted them for about four hours, handing over the cheque to them before they returned to the capital the same afternoon.

Somnath awaits poll result

offered job by pm

PRIME Minister Manmohan Singh is believed to have offered outgoing Speaker of the 14th Lok Sabha Somnath Chatterjee a semi-government assignment which the latter has politely declined on grounds of propriety.

During a courtesy call on the PM in early March after the latter's heart surgery several weeks ago, Somnath*da* had remarked that he did not know how he would manage now that his term as Speaker was ending and he has been expelled from the CPI (M). Consequently, he is also not contesting the general election. He has made it clear that a homecoming to the Marxist fold is ruled out even though he remains in touch with close associates in the party.

The semi-government position on offer appears to be a diplomatic assignment, probably in the UK. Perhaps one reason he has declined is that if the UPA fails to retain power at the Centre, he would be morally obliged to put in his papers. This would be all the more so as a non-UPA government might not favour him in that semi-government post. g

Russia's Putin (left) and China's Deng: daring to transform

OUR NATION NEEDS A ST

Are voters going to look for the ideal? Or is Ele

by Nilmadhab Mohanty

As a part of their poll campaign, the two national parties, the Congress and BJP, have projected their candidates for Prime Minister in the next government. A few regional leaders have also floated their names for the post in anticipation of a fractured verdict.

Political parties project strong leaders with a reputation for capability and achievement as Prime Ministerial candidates in the expectation that they will be able to attract popular support translating into votes. In the case of individual leaders, it is personal ambition (and sometimes manipulative abilities) that goads them into throwing their hats in the ring. However, for the rest of us – voters – the determining criteria are rather different.

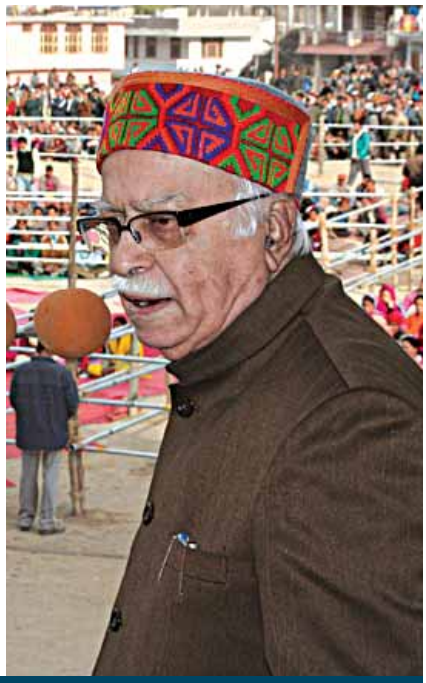
The nation currently faces many problems – terrorism, threat to internal security and stability, economic meltdown involving job losses, and slowing of economic growth. In the medium and long term, the main task is to bring about fast economic development and reduce poverty in order to secure for India its rightful place in the comity of nations. In meeting these challenges, the leadership provided by the Prime Minister as the head of the executive government at the Centre is critical. In the present context, there is a particular need for the top political leader to be tough and business-like in order to bring about effective co-ordination between the numerous Ministries, departments and other government agencies (including security and intelligence agencies), who are often unnecessarily engaged in turf wars and egoistic rivalry. The government in Delhi is by necessity PM-centric and governance suffers when the PM/PMO is weak. Also, ultimately it is the quality of the top leadership that will determine whether we can achieve the status of an enduring great nation.

These considerations must weigh with voters while choosing the potential Prime Minister and the political formation behind him. We must reject candidates who invoke narrow loyalties – of caste, community, religion or linguistic group – in staking their claim to the top post. The idea of India as a diverse and pluralistic nation encompassing all communities, religions and regions is incompatible with an approach that seemingly subjects the Prime Minister's position to a "quota" system. The Prime Minister represents the entire nation and the leader occupying the position must have a pan-India approach and appeal. Our politicians must learn from Barack Obama's example when he consistently refused to invoke his race (or other racial issues) during his presidential campaign.

We must also reject leaders whose names are associated with corruption and financial impropriety. Probity is a great casualty in our national life and even the slim hope for improvement will be lost if the top leadership positions come to be occupied by persons who derive their strength to a considerable extent from ill-gotten wealth. These leaders will not be able to provide good governance for they will always have personal agenda and support vested interests, often at the cost of the nation.

In discussing the qualities that the top political leader must have to meet the multiple challenges of India and transform it into a great nation, we must look at China – a nation on the path to superpower status. The leader who made the difference was Deng Xiaoping (1904-1997). His life-long ambition was to see China as a great and powerful nation. From the ruins of the Cultural Revolution (1966-1976) he literally lifted the country to the status of a major player on the world stage. Another instance in recent times is Russia. From being one

From the ruins of the Cultural Revolution (1966-1976) Deng literally lifted the country to the status of a major player on the world stage



Manmohan Singh (left) and Advani: is it still the old wine?

ATESMAN

Election 2009 going to be 'business as usual'?

of the two superpowers, Russia degenerated into a "basket case" in the 1990s following the break-up of the Soviet Union. Through extraordinary leadership, President Vladimir Putin guided the nation through a remarkable transformation over eight years, enabling it to reclaim its position in the table of world powers.

True, both leaders operated in political systems which are not liberal democracies. But they exhibited universal qualities of seminal or transformative leadership.

What distinguishes a seminal leader is his ambition, not so much for himself but for something larger and more lasting – the transformation of his country into a great nation. Deng and Putin had that quality. So did Abraham Lincoln who never let his ego get in the way of his ambition to create an enduring great nation. Such a leader also shows unwavering commitment to his vision, a sort of obstinacy in sticking to his views. He is also a man of action with the capability to transform his vision into reality. This requires a pragmatic, not doctrinaire, approach. Also required are clarity of thought, dedication, an iron will, inner discipline, perseverance and a fierce resolve to implement the required measures to build a great nation.

The defining requirement – ambition larger than oneself – is the hardest to meet. For most Indian political leaders, irrespective of party affiliations, work is always first and foremost about what they can acquire personally and/or for their relatives: fame, fortune, power, and so on. Some of them may be workaholics or possess great personal drive but they can never bring themselves to subjugate their needs to the greater ambition of something larger than themselves. Remaining in power and sticking to high positions at all costs or through unprincipled compromises, promoting relatives through political nepotism, and acquisition of wealth through patronage and corruption are their primary concerns.

The question voters must ask themselves is: how many (or who) among the available potential candidates for Prime Minister meet these requirements? Given the prevailing political and social conditions, it is impossible to get a "perfect fit". We can only hope for a situation where one or two political leaders broadly meet most of the major requirements. We should opt for the best (or most acceptable) of them and vote for the political formation (or party) that he leads.

IT may be argued that the above criteria are idealistic and utopian in the context of the hurly-burly of our politics. But then, how have other societies done it? How did Deng survive in the violent, competitive politics of China's Communist Party? How did a diverse, pluralistic democracy like the US elect an Obama to steer it in very difficult times in spite of his obvious disadvantage of race and in preference to the scion of a political family?

We now have a choice. Of course, instead of trying for the ideal we can opt for "business as usual". We will get the leader and the government we deserve. Then we should not complain about poor governance, corruption, inability to tackle terrorism and threat to our security, and whine about poor infrastructure or stalled economic reforms. We should not show our anger against the political class for their inability to protect us, as we did last November following the Mumbai attack. We should also not delude ourselves into believing that, along with China, India will define the contour and direction of the new world order in the 21st Century. We must remember that, as in the case of individuals, for a nation too there are no shortcuts to greatness. g

The writer was a senior bureaucrat with the Government of India and a UN Specialized Agency

What distinguishes a seminal leader is his ambition, not so much for himself but for something larger and more lasting – the creation of a great nation

NAVEEN AIN'T NO GREENHORN NO MORE

The legendary Biju's scion has suddenly transformed himself into a new power centre capable of playing a major role in determining who will run the Dilli Durbar

by TR Ramachandran and BK Dash

THREE things distinguish Naveen Patnaik in the highly uncertain and changing political map of India. First, he entered politics as a novice and unknown entity through his unexpected succession to the legacy of the legendary Biju Patnaik who never projected any of his three children—Gita, Prem, Naveen—as his political heir. Second, he is the only elected leader and head of a government for a decade, who does not speak or write the language of the people he represents. Third, he is the most popular Chief Minister, untouched by corruption. His popularity matches that of his father in the 1960s. However, Biju was dogged by corruption charges for which a Commission of Inquiry was appointed. The qualitative difference between Biju's and Naveen's popularity is that people loved Biju even though he was not always successful in securing votes. Naveen is successful in bagging votes.

On the basis of this, he is expected to emerge after the general election as a regional force, which his father unsuccessfully attempted under the banner of the Utkal Congress in 1971. He has stunned the saffron brigade by severing his decade-old links with the BJP and joining hands with the Left Front in the run-up to the Parliamentary election coupled with the Assembly polls in Orissa. It was a calibrated move in tune with the pulse of the people and can lead to the Biju Janata Dal's presence being felt in Delhi in the critical numbers game (the Third Front with the Left in the vanguard will also benefit). And, even though Naveen has kept his counsel to himself about any Prime Ministerial ambitions, his confidants and supporters insist he has the credentials and the lineage to aspire for the office on Raisina Hill.

The adieu to the BJP was waiting to happen after the Sangh Parivar's carnage in Kandamal following a sadhu's killing. He initially did not take firm action because of the alliance with the BJP, provoking the worst criticism of his political career. When the Centre threatened intervention, Naveen finally moved.

In hindsight, the BJP could not have

Politics— my style!

HE had gravitated towards the BJP because, entering politics late in life, he did not want to be a loser. The 51-year-old Naveen, who was living in the US, formally inherited his father's legacy when the family chose him to contest the Parliamentary by-election for the Aska seat, which had fallen vacant after Biju's death in 1997.

The Janata Dal leaders in the state sent feelers to the BJP for a pre-poll alliance. From three Assembly seats in 1990, the BJP tally rose to nine in 1995. In the Lok Sabha elections in 1996, the saffron brigade's vote share rose to 13 per cent. The BJP over the years had strengthened its base in western Orissa and other tribal-dominated areas. If the JD had to wrest power from the Congress, it had to make common cause with the BJP. Among the leaders who worked on a pro-BJP line were former Union Minister Rabi Ray and BJP MP from Sambalpur Prasanna Acharya. Naveen was persuaded to quit the JD, float a regional party named after his father and join hands with the BJP in 1998.

On its part, the BJP too wanted a strategic partnership with the BJD. The deal was formalized by Pramod Mahajan and Bijay Mahapatra, a Biju lieutenant and then Chairman of the Political Affairs Committee of the BJD. All this happened under the watchful eyes of Biju's widow, Mrs Gyan Patnaik, and Pyarimohan Mohapatra, who was Secretary to Biju Patnaik as CM.

In the Lok Sabha elections held later, the BJD-BJP alliance triumphed in 16 of the 21 constituencies. The tally swelled to 19 in the elections held a year later. In the 2000 Assembly elections, the combine secured a two-thirds majority.

Naveen joined the NDA Cabinet as Minister for Steel in 1998 and continued in that position till 2000, when the Orissa Assembly polls were held. On March 5, he became Chief Minister with the BJP as a coalition partner.

In his first master stroke in the Assembly election in 2000, he withdrew the party nomination of BJD heavyweight Bijay Mahapatra. Mahapatra had been a powerful Minister in the Biju Cabinet and was a founder-member of the BJD. This action also underlined Naveen's style of functioning—ruthless and uncompromising. A man of few words, he kept his cards close to his chest. Naveen is said to have only two confidants – Pyarimohan Mohapatra and Jay Panda. Both are Rajya Sabha members.

With Advani during alliance: ditching saffron

He has also established his numero uno position. His first Cabinet had 24 members. Within a short while, he sacked three senior Ministers. Thereafter, he got five more to resign. All were long-time Biju followers. He began his second innings as CM on May 16, 2004 with a 15-member Cabinet. Two months later, a lady Minister was made to resign only to be reinducted after another two months. In 2006, seven Ministers were made to resign and new faces inducted. The same saga unfolded in 2007 and 2008. Naveen has systematically isolated leaders who were Biju's Cabinet colleagues between 1990 and 1995. Though no tears were shed for the disgraced Ministers, some dynamic young ministers, who were dedicated party workers and once considered close to him, were also removed.

Softspoken, suave and fond of the good things in life, Naveen has displayed grit and determination to develop Orissa. Anyone—be it a Minister of his own party or a civil servant—is shown the door if he crosses the Laxman Rekha of corruption or misdemeanour. This has endeared him to the people who perceive him as a good man who means business and does not allow politicians to make money. In last year's Bhubaneswar and Cuttack municipal polls, the BJD secured a thumping win with the BJP getting only a handful of seats. Voters appreciated the accountability of BJD politicians.

Yet, there have been rumours about his private life as a bachelor Chief Minister and of making money through MNCs by selling Orissa at random. These allegations have not impressed the masses. In fact, women voters argue that since he has no family, he has no need to make money!

The adieu to the BJP was waiting to happen after the Sangh Parivar's carnage in Kandamal following a sadhu's killing. He initially did not take firm action because of the alliance with the BJP

been anything but a strange bedfellow for Naveen. He has never been its fan but appears to have been impressed by Atal Behari Vajpayee's charm and liberalism. Yet, he had not bargained for the Sangh Parivar trying its Hindutva experiments in Orissa as in Gujarat and Rajasthan.

The Left too had a role in Naveen's decision. West Bengal CM Buddhadeb Bhattacharya had been reiterating that the BJP's game was to gobble the BJD. On the sidelines of the CMs' meet following the Mumbai terror attack, he reminded Naveen that his father was secular to the core and anti-BJP. This was followed by CPI(M) General Secretary Prakash Karat saying the same thing. Interestingly, while Naveen has embraced the Left in 2009, his father lost a second term as CM in 1995 because he ejected the Left Front as a partner.

Naveen is also convinced that, owing to proximity to West Bengal, there is progressive thinking among educated people in Orissa and a farmers' movement akin to that in the Left Front-ruled state. A section of people in Orissa have Communist leanings. The combination of such factors

Parents Biju and Gyan: legacy of guts

The politician as artist

WHEN Biju Patnaik was Nehru's handpicked pilot, Indira Gandhi would send her sons, Rajiv and Sanjay, to the Patnaik residence at 4 pm to play with Naveen or "Pappu". Like them, Naveen also went to Doon School. He graduated from Delhi University and went to live in the US. He was called back and forced into politics when elder brother Prem refused to don the mantle on their father's death.

Interested in art, ecology and culture, he has authored three books on Bikaner's kingdom, its people and India's medicinal plants. He has also done pioneering work for international recognition of Indian designs and worked with handloom weavers to enlarge the home market for Indian textiles. He has travelled extensively in the country and abroad and is a founder-member of the Indian National Trust for Art and Cultural Heritage (INTACH).

It is yet unclear if Naveen has the adventurous nature of parents Biju and Gyan. The latter, who died on February 17, was a Punjabi from Lahore. Biju married her after a whirlwind courtship, piloting the aircraft that took the *barat* to Lahore in 1938. She preferred living in Delhi and would visit Orissa only in the winter, prompting Biju to describe her as his "winter wife".

Gyan, a Sethi, was among India's first women pilots with a commercial pilot's licence over 70 years ago.

In 1947, Biju and Gyan undertook a daring flight aboard an ageing Dakota in the middle of the night. Gyan flew the plane to Dutch-beseiged Jakarta to rescue Indonesian leaders Sultan Sjharir and Suharto and bring them to Delhi for a secret meeting with Nehru.

He is expected to emerge after the general election as a regional force, which his father unsuccessfully attempted under the Utkal Congress in 1971

has resulted in Naveen losing clout with a sizeable section of the people. After Kandamal, he would have lost the confidence of the people if he had not broken free from the BJP.

His decision to part company with the BJP risks splitting the anti-Congress vote. The BJP had no alternative but to go it alone in Orissa. It had a vote share of 18 per cent in 2004 and is unlikely to win enough seats in these Assembly polls to force the BJD to do business with it once again. Meanwhile, the Congress replaced old warhorse Janaki Ballabh Patnaik with former Union Minister KP Singh Deo as PCC chief. This is bound to have a positive impact on the erstwhile princely

Naveen is also convinced that, owing to proximity to West Bengal, there is progressive thinking among educated people in Orissa and a farmers' movement akin to that in the Left Front-ruled state

provinces and cut into the BJP vote share in tribal areas. Tribals who have traditionally backed the Congress constitute 27 per cent of the population.

If Naveen is perceived as comfortably placed ahead of the polls, it is because he has earned the respect of the people, not just by virtue of lineage but also due to his personal qualities and by returning to his father's ideals of secularism, communal harmony and upliftment of the weaker and oppressed classes through sustained development. Yet, there are lessons for him in his father's career. Biju had statesmanlike qualities that endeared him to the electorate of Orissa. Nevertheless, the same voters trounced him in 1967 and in subsequent elections when they felt he was taking them for granted! So the current saying, "Naveen is the boss, even a dog will win in his name" has to be taken with a pinch of caution. g

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Yashwant Sinha: trendsetter

SHARAD SAXENA

Devi Dayal, Congress candidate from Bulandshahr: a tough customer

His Master'

IAS and IPS officers are joining politics after retirement, some

by Tara Patkar

RETIREMENT hardly signals the end of the innings for bureaucrats. Trained to serve, some of them embark on a new innings in politics directly or indirectly or start ventures for the betterment of society and politics. An example of the latter is the number of retired bureaucrats in the group of prominent citizens who have formed a forum against criminalization of politics and appealed to the Chief Justice of India not to let candidates like Sanjay Dutt contest the general election. They include former DGP IC Dwivedy, former ADG SM Naseem, retired Delhi High Court judge AK Srivastava, and former Advocate General Umesh Chandra.

The forum recently launched a signature campaign at Gandhi Bhawan, Lucknow and plans to send a memorandum with thousands of signatures to the Chief Justice. Mounting public criticism of criminalization of politics seems to be immaterial to political parties who continue to field candidates with questionable backgrounds. The forum found 42 such candidates with criminal cases against them. The charges range from murder to rioting and dacoity.

Many retired bureaucrats launch social awareness campaigns, which are usually a front for political ambitions. HS Rana, who retired in August 2007, has launched one such initiative. He had campaigned for Congress nominee Bhim Sen Mehta in Indri constituency when three Assembly by-elections were held in Haryana last year.

Many other retired bureaucrats are planning to join the electoral fray in UP and Bihar. At least a dozen of them have joined the Congress in UP and are willing to fight the election. Out of the 24 candidates declared so far, the Congress has given tickets to two former bureaucrats – PL Punia from Barabanki and Devi Dayal from Bulandshahr. Many others are waiting.

A retired Home Secretary, Jagannath Singh, has joined the Congress along with another retired IAS officer, Prabhu Dayal

Many other retired bureaucrats are planning to join the electoral fray in UP and Bihar. At least a dozen of them have joined the Congress in UP and are willing to fight the election

FOTOS4INDIA

PL Punia: a good bet for Barabanki

's Seat

me even opting for VRS to do so

Srivastava. Uttar Pradesh Congress Committee (UPCC) spokesperson Subhodh Srivastava said, "Officers joining the party are obviously going to have political aspirations, but many of them may not have requested for a ticket or a party post now."

A former IPS officer, Manzoor Ahmad, heads the UPCC minority department. Earlier, he contested the mayoral election in Lucknow. Under his leadership, the Congress organized a peace march last month in protest against the Mayawati government neglecting minorities and misusing funds released by the Centre for their welfare.

A retired IAS officer, Rai Singh, has been working with the Congress for a while. His name is doing the rounds for the Shahjahanpur Lok Sabha seat. His wife, Raj Rai Singh, is UPCC General Secretary. She was a BJP MLA and Minister earlier. Another former IAS officer, Ram Krishna, has been active within the Congress for years. He is in charge of the UPCC's Scheduled Caste and Scheduled Tribe cell. Former IAS officer RA Prasad is also working with the party and may be in the running for the Mohanlalganj ticket. A retired IFS officer, KN Singh, is also working with the Congress and seeking a ticket. So is former IPS officer Jungi Singh.

Most of these retired bureaucrats are not interested in other political parties besides the Congress. Earlier, bureaucrats like Chandrama Prasad, Mahendra Singh Yadav, Chandra Pal, Harish Chandra and RB Bhasker joined the Samajwadi Party.

In Bihar, with the examples of bureaucrats-turned-politicians Syed Shahabuddin and Yashwant Sinha before them, many IAS and IPS officers are giving up their bureaucratic careers to join politics. Ex-IAS officer Munnilal and ex-IFS officer Mira Kumar, who has been in politics for some time, might face each other in Sasaram. But the talk of the town for months has been Gupteshwar Pande, who has taken voluntary retirement from his post of Inspector General of Police (Security) at Patna, reportedly in the hope of a BJP ticket from Buxar. Sources say he is in New Delhi staking his claim to the ticket over the BJP's sitting MP, Lalmuni Choubey.

Another former IPS officer ready for poll battle is retired IG Umeshwar Prasad Singh, who is likely to get an NCP ticket. Bihar State Religious Trust Council chairperson and former IPS officer Kishore Kunal is also in the fray. Earlier rumoured to be seeking a BJP ticket from Nawada, he now insists he wants to remain "above party lines". Kunal claims that senior BJP leaders, including Deputy CM Sushil Kumar Modi, approached him to join politics. "However, my conscience does not allow me to get attached to a political party because of my image as a social worker," he said.

Former DGP Ashish Ranjan Sinha is reportedly in the running for a JD (U) ticket from Nalanda.

When senior bureaucrats retire, the first priority of most is seeking re-employment. In Haryana, all retiring Chief Secretaries in the past few years have been reemployed by the government in one capacity or another. Some join politics, both to have something to do and also to lord it over their erstwhile colleagues. The most striking example is of KR Punia. He retired voluntarily and joined politics at the call of then Deputy Prime Minister Devi Lal in the late 1980s. After winning on a Janata Dal ticket, he joined the Devi Lal Cabinet. However, he never won an election again. In the recent past, Birbal Dass Dhalia, former Principal Secretary to then Chief Minister Om Prakash Chautala, joined politics and became a member of the Chautala-led Indian National Lok Dal. He may be fielded by the INLD from the Sirsa (reserved) seat. g

In Bihar, with the examples of bureaucrats-turned-politicians Syed Shahabuddin and Yashwant Sinha before them, many IAS and IPS officers are giving up their bureaucratic careers to join politics

Bihari babus' record

- Former IPS officer Lalit Vijay Singh – won on a Janata Dal ticket from Begusarai in 1989
- Former Delhi Police Commissioner Nikhil Kumar – won on a Congress ticket from Aurangabad in 2004
- Former IG Fazal Ahmed – lost from Munger in 1985
- Former SP Rajendra Sharma – lost from Jahanabad in 1991
- Former DGP DG Ojha – lost in 2004

DEMOCRATIC DISENFRAN

Politicians and the Election Commission alike are unconcerne

by VIJAY SANGHVI

A top functionary of a national party recently confided to some media-persons, "I don't care for nor do I worry about votes of the poor from slum areas. In any case, hardly two out of ten would have identity cards to be able to vote." His listeners were taken aback at such remarks from a senior functionary of a party that vociferously states its commitment to democracy.

Yet, his statement reflected the current state and functioning style of his party. Worse, this state of affairs is rampant in all parties. It was evident in their minimal interest in voter registration and issue of identity cards. In a parliamentary system, it is a primary duty of political parties to ensure that maximum numbers of citizens are empowered to and do exercise their right to vote as guaranteed by the Constitution and the People's Representation Act.

India adopted long before even many European countries the principle of adult franchise. The Election Commission decided nearly two decades ago that all voters must have identity cards to be able to vote and exercise a choice as to who should govern them. The concept of identity cards was intended to eliminate, to the extent possible, the malpractice of bogus voting. However, there were shortcomings in implementation. For instance, the Election Commission could have used the process to seek more details from voters at the time of registration so that a full profile of each constituency could have been made available separately for use by parties, participants in elections, media and psephologists. No such profile of any constituency is available. Classification data by age, caste, education, vocation and income level is based on census reports. Constituency division is based on different scales and criterion.

The main difficulty in registration is non-availability of proof of residence in the case of most poor people and also those in lower categories of jobs in both public and private sectors. They have no ration cards, bank accounts, phone or electricity bills in their names, passports or driving licences as proof of residence. Even obtaining these documents requires proof of residence. In a majority of cases, tenants do not even have rent receipts as landlords seek to skirt tenancy rules. Those living in unauthorized settlements are worst affected.

Yet, in a Catch-22 situation, the voter's identity card is most important to this very section of people. It not only enables them to vote but is also proof of their existence as resident Indian citizens. So a voter's identity card became a much sought-after document. Many even attach a fifty or hundred rupee note to the application – a voluntary offering for *chai-pani*. And anyone helping in securing a voter identity card is idolized for the rest of his life by all members of the family.

Millions of people have managed "authentication" of forged rent receipts and certificates from mafia and slum lords, while some secured authentication from compassionate citizens. It was once detected that 1,700 applicants had stated the address of a commercial mall in Mumbai as their residence. Their names were eliminated instantly, without a thought as to the ordeal the poor go through to get a voter's identity card or their torment in reapplying.

The magnitude of the problem can be gauged from statistics available in Delhi alone. The numbers for Delhi's population in the last census have been left far behind by the uncontrolled migration during the last nine years. According to unofficial estimates, Delhi's population has grown beyond 16 million residents. However, registered voters number only eight million. There are roughly 78 lakh voters in Delhi's seven parliamentary constituencies. Surely there cannot be over eight million people residing in the state who are ineligible to vote. If those below 18 years of age are estimated at roughly 22 per cent, according to the national average, it still leaves 4.48 million residents out of the electoral rolls.

Are there so many people living on Delhi's roads and in unauthorized colonies that they cannot provide proof of residence? If the figures reflect the true position, it is a matter of shame for all planners. But the Election Commission needs to consider other options to register these people. What will happen when the government begins to implement its scheme of issuing an identity card to every citizen of the country?

The Election Commission remains ignorant of the ordeals of the poor as their voice does not reach it. Also, it perceives voter registration as a routine matter. On the other hand, the poor are not organized and lack support from the organized sections to raise the issue and seek easier methods for registration.

Political parties could have understood the issue and taken it up. But no politician has realized that this is the easiest route to

A voter's identity card became a much sought-after document. Many even attach a fifty or hundred rupee note to the application – a voluntary offering for *chai-pani*

'CHISEMENT

rned with a system that keeps millions off the electoral rolls

Till the general election in 1957, party workers would take citizens' applications to the election offices to ensure inclusion

building a permanent bridge with the poor. It was not always so. Till the third general election in 1957, party workers would take citizens' applications to the election offices to ensure inclusion of their names. They thus built a relationship which ensured that those citizens' votes were generally cast for their candidates.

Now parties come forward only at election time to object to inclusion of voters who are known to constitute a vote bank of an adversary or to complain about the exclusion of voters whom they believe to be their supporters. Parties can easily scrutinize the electoral lists well in advance and ensure inclusion or exclusion of names. But, as evident from the remarks of the party functionary quoted above, nowadays the electoral process begins for parties with the selection of candidates and ends with the results. They see no role for themselves in ensuring true participatory democracy.

The rank and file of parties perhaps lacks interest in this grassroots work because it does not earn party nominations. It is more worthwhile to hover around leaders and maybe catch their eye. Can such parties provide true democratic governance when millions remain beyond their sight or beyond their care?

By voting, citizens participate in governance and share responsibility for good or bad governance by virtue of making a choice. It is thus incumbent on the authority to find alternatives to make the enlistment easier and all-inclusive. g

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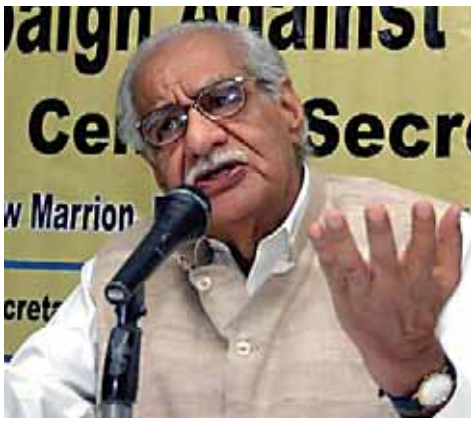
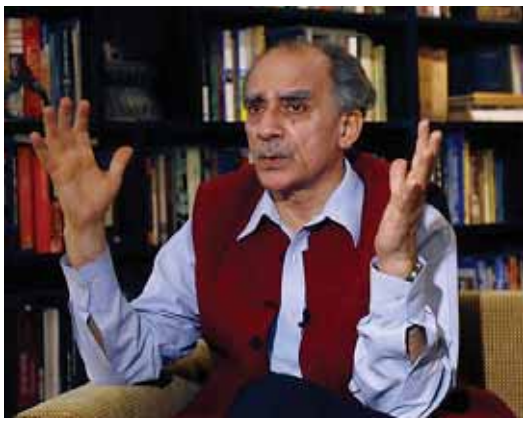




Victims of covert surveillance (from left) journalists Kuldip Nayar, Arun Shourie, Tavleen S

The amended Information Technology Act gives the government power to intercept calls, emails, SMSs

by Ravi Visvesvaraya Sharada Prasad

WHEN Parliament rushed through several Bills without discussion in a few minutes in December 2008, no member objected that one of the sections of the amended Information Technology Act gave powers to the government to snoop on anybody's phone calls, emails, SMSs, and other communications without any restrictions whatsoever.

It is true that several terrorist attacks and crimes have either been prevented or solved by interception of phone calls and emails by security agencies. These include the Mumbai attacks, the Delhi and Ahmedabad bomb blasts of 2008, the Parliament attack case, crimes committed by Babloo Srivastava, and the Hansie Cronje match-fixing scandal.

But given the total lack of any safeguards in the Information Technology (Amendment) Act 2008, there is a strong possibility that the Centre and state gov-

THE APEX COURT'S GUIDELINES

IN view of the many incidents of tapping of politicians' phones, the Supreme Court in the PUCL case laid down the following procedures and guidelines:

"The power to make rules under Section 7 of the Act has been there for over a century, but the Central Government has not thought it proper to frame the necessary rules, despite severe criticism of the manner in which the power under Section 5(2) has been exercised. It is entirely for the Central Government to make rules on the subject, but till the time it is done, the right to privacy of an individual has to be safeguarded. In order to rule out arbitrariness in the exercise of power under Section 5(2) of the Act, and till the time the Central Government lays down just, fair and reasonable procedures under Section 7(2)(b) of the Act, it is necessary to lay down procedural safeguards for the exercise of power under Section 5(9) of the Act so that the right to privacy of a person is protected.

"We, therefore, order and direct as under:

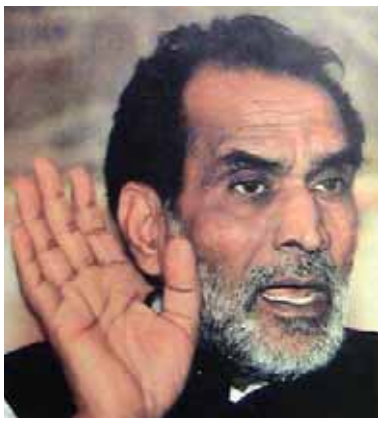
1. An order for telephone-tapping in terms of Section 5(2) of the Act shall not be issued except by the Home Secretary, Government of India, and Home Secretaries of the State Governments. In an urgent case the power may be delegated to an officer of the Home Department of the Government of India and the State Governments not below the rank of Joint Secretary. Copy of the order shall be sent to the Review Committee concerned within one week of the passing of the order.

2. The order shall require the person to whom it is addressed to intercept in the course of their transmission by means of a public telecommunication system, such communications as are described in the order. The order may also require the person to whom it is addressed to disclose the intercepted material to such persons and in such manner as are described in the order.

3. The matters to be taken into account in considering whether an order is necessary under Section list of the Act shall include whether the information which is considered necessary to acquire could reasonably be acquired by other means.

4. The interception required under Section 5(2) of the Act shall be the interception of such communications as are sent to or from one or more addresses specified in the order, an address or addresses likely to be used for the transmission of communications to or from, from one particular person specified or described in the order or one particular set of premises described in the order.

are here again!



Singh; and politicians Chandra Shekhar, Zail Singh and Advani: Big Brother has big ears

5. The order under Section 5(9) of the Act shall, unless renewed, cease to have effect at the end of the period of two months from the date of issue. The authority which issued the order may, at any time before the end of the two-month period, renew the order.

(a) The Committee shall on its own, within two months of the passing of the order by the authority concerned, investigate whether there is or has been a relevant order under Section 5(2) of the Act, whether there has been any contravention of the provisions of Section 5(2) of the Act.

(b) If on an investigation the Committee concludes that there has been a contravention of the provisions of Section 5(2) of the Act, it shall set aside the order under scrutiny of the Committee. It shall further direct the destruction of the copies of the intercepted material.

(c) If on investigation, the Committee comes to the conclusion that there has been no contravention of the provisions of the Section but considers that it is necessary to continue the order in terms of Section 5(2) of the Act. The total period for the operation of the order shall not exceed six months.

6. The authority which issued the order shall maintain the following records:

(a) the intercepted communications,

(b) the extent to which the material is disclosed,

(c) the number of persons and their identity to whom any of the material is disclosed.

(d) the extent to which the material is copied and

(e) the number of copies made of any of the material.

7. The use of the intercepted material shall be limited to the minimum that is necessary in terms of Section 5(2) of the Act.

8. Each copy made of any of the intercepted material shall be destroyed as soon as its retention is no longer necessary in terms of Section 5(2) of the Act.

9. There shall be a Review Committee consisting of Cabinet Secretary, the Law Secretary and the Secretary, Telecommunication at the level of the Central Government. The Review Committee at the State level shall consist of Chief Secretary, Law Secretary and another member, other than the Home Secretary.

But this judgement of the Supreme Court, as well as the relevant sections of the Telegraph Act, have become inoperational with the passage of the amended IT Act, since Section 81 of the latter, "Act to Have Overriding Effect", states: "The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force."

ernments may use provisions intended for countering terrorism to snoop on political opponents.

Under the powers vested under Section 69 of the amended Act, any government official or policeman will be able to listen in to all your phone calls, read your SMSs and emails and Instant Messages, and monitor the websites you visit. And he will not require any warrant from a magistrate to do so.

Until the amendment, phone tapping was governed by Clause 5 of the Indian Telegraph Act of 1885, drafted to protect the interests of the British Raj.

Section 7 (2) (b) of the Indian Telegraph Act of 1885 mentions that the government should formulate "precautions to be taken for preventing the improper interception or disclosure of messages". But, since 1885, no government has formulated any such precautions. Many calls have been given, both in Parliament and outside, to formulate rules to govern the operation of Section 5(2). But all governments have wanted to retain the right to spy on their opponents.

Politicians who have provided credible evidence to the media of their phones having been tapped include LK Advani, Zail Singh, and Chandra Shekhar. LK Advani has recounted his findings after he became Home Minister and went through old files: "I was surprised to discover that recorded telephone conversations included not only

those of opposition politicians like AB Vajpayee, Chaudhary Charan Singh, Babu Jagjivan Ram, Chandra Shekhar and myself, of journalists like GK Reddy, Arun Shourie, Kuldip Nayar and Tavleen Singh, but also of the then President, Giani Zail Singh, and the Chief Justice, YV Chandrachud."

Most instances of telephone tapping by the government are illegal. These include tapping of the phones of the Chief Secretary of Tamil Nadu, LK Tripathy, in 2008; the instance of Amar Singh in 2005-6; and the bugging by Ramakrishna Hegde of his political rivals in 1988. It is hard to see how Amar Singh's conversations with actresses pose a risk to public safety.

But now, Section 69 of the amended Information Technology Act drops all references to public emergency or public safety. The earlier IT Act of 2000 only mentioned decryption; interception and monitoring were not mentioned. Section 69 of the new IT Act enhances the scope from the 2000 version of the IT Act to include interception and monitoring. It also broadens the scope of surveillance to include the investigation of any offence, whether cognizable or not. Moreover, it has removed the clauses which protected messages of the press from being intercepted.

When the government has not formulated any safeguards under Section 5 of the Telegraph Act since Independence, it is unrealistic to expect it to formulate any safeguards under section 69 (2) of the amended IT Act.

While the Mumbai attacks and the Parliament attack case have underscored the importance of surveillance of suspected terrorists, this should be balanced with the right to privacy. The Supreme Court has ruled that a reasonable expectation of privacy derives from Article 21 of the Constitution: "No person shall be deprived of his life or personal liberty except according to procedure established by law". Section 69 of the amended Act could be challenged in court. The spectre of terrorism has caused a democratic India to pass a law which is far more detrimental to personal liberty than the Telegraph Act enacted to protect the British Raj. g

The writer, an alumnus of Carnegie Mellon and IIT Kanpur, heads an infotech firm in Delhi.

SUPREME COURT'S SLAP

THE People's Union for Civil Liberties filed a writ petition in the Supreme Court in 1991, challenging the Constitutional validity of Section 5(2), arguing that it infringed on the Constitutional right to freedom of speech and expression, and to life and personal liberty. In December 1996, the Supreme Court delivered its judgment:

"Occurrence of any public emergency" or "in the interest of public safety" are the *sine qua non* for the application of the provisions of Section 5(2) of the Act. Unless a public emergency has occurred or the interest of public safety demands, the authorities have no jurisdiction to exercise the powers under the said Section. Public emergency would mean the prevailing of a sudden condition or state of affairs affecting the people at large calling for immediate action. The expression "public safety" means the state or condition of freedom from danger or risk for the people at large. When either of these two conditions are not in exercise, the Central Government or a State Government or the authorised officer cannot resort to telephone tapping even though there is satisfaction that it is necessary or expedient so to do in the interests of sovereignty and integrity of India, etc. In other words, even if the Central Government is satisfied that it is necessary or expedient so to do in the interest of the sovereignty and integrity of India or the security of the State or friendly relations with sovereign States or public order or for preventing incitement to the commission of an offence, it cannot intercept the messages or resort to telephone tapping unless a public emergency has occurred or the interest of public safety. Neither the occurrence of public emergency nor the interest of public safety are secretive conditions or situations. Either of the situations would be apparent to a reasonable person."

Tripathy (centre): closely monitored

Most instances of telephone tapping by the government are illegal. These include tapping of the phones of the Chief Secretary of Tamil Nadu, LK Tripathy, in 2008; the instance of Amar Singh in 2005-6; and the bugging by Ramakrishna Hegde of his political rivals in 1988. It is hard to see how Amar Singh's conversations with actresses pose a risk to public safety

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No Jai Ho for

The government must have a clear policy on bringing b

by Niranjan Desai

THE recent drama over the New York auction of memorabilia of the Father of the Nation was revealing and perhaps shocking in many aspects. It became evident that 60 years after independence the Government of India still has no clear policy about cultural restitution of parts of India's heritage which have gone out of the country.

The government showed a pathetic inability to enunciate a clear line of action with regard to acquisition of memorabilia of the tallest Indian of the millennium, perhaps the greatest personality in world history of the last 100 years who is likely to be remembered a thousand years from now. The ritualistic homage paid by the Indian establishment every October 2 seems so hollow after this.

Those memorabilia belong to the nation and no price is high enough to bring them back to the country. Instead, the government chose to take shelter behind some dubious recommendation of a faceless committee of bureaucratic experts and, through selective media leaks, peddled a specious argument that purchase of this particular lot of memorabilia would be unfair to and deter others who may in future wish to donate other Gandhian memorabilia to the government. Could there be a more asinine and puerile argument than this because Bapu's personal material possessions would not even fill half a government Godrej almirah? So what if others would not donate? And, pray why can't the government buy other memorabilia whenever they surface?

Worse, the government later sought to take undue credit for the acquisition of this memorabilia by a private individual. A spokesman of the ruling party even termed the government's puny efforts "Herculean"! It was just as well that the individual in question, Vijay Mallya, put the record straight by denying any role by the government in his initiative.

It is a mystery why the government failed to act decisively unlike when it acquired some of Bapu's letters earlier.

There are several lessons to be learnt from this episode. First, the Ministry of Culture needs to come out with an unambiguous policy regarding cultural restitution of Indian treasures of all kinds from abroad. It should put in place a process whereby speedy decisive action can be taken whenever an opportunity arises to bring back any such item. This could mean empowering concerned museums or institutions to act in such cases without going through a lengthy bureaucratic procedure.

Admittedly, it may not be always possible for the government to acquire Indian cultural artifacts from abroad every time. Therefore it should try to encourage a public and private *bhagidari* scheme for this purpose. A National Endowment for Cultural Restitution could be set up with contributions from the government exchequer and private sources to acquire priceless national treasures from auctions or individuals abroad. To encourage private participation in this, contributions to this endowment must be exempted from income tax.

Some institutions involved in the art

Neville Tuli of Osian's has brought back to India a Ravi Varma masterpiece and a portfolio of Henri Cartier-Bresson's photographs of the last days of Bapu, among other items. Mallya had earlier acquired Tipu Sultan's sword

MAHATMA?

g back historical and cultural treasures

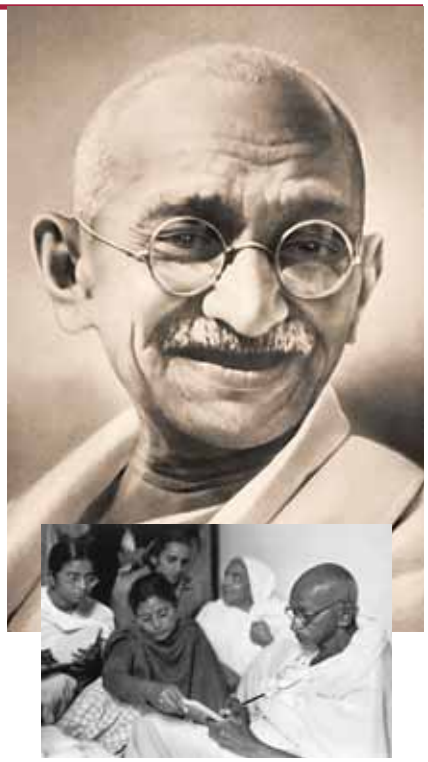
business and individual collectors have been acquiring old and important cultural artifacts at auctions abroad. According to reports, Neville Tuli of Osian's has brought back to India a Ravi Varma masterpiece and a portfolio of Henri Cartier-Bresson's photographs of the last days of Bapu, among other items. Mallya had earlier acquired Tipu Sultan's sword. Such individuals and institutions need encouragement and recognition from the government. It must encourage them by abolishing customs duty on all valuable and historical cultural and art treasures.

At present, such exemption is limited to those cases where the artifacts so acquired are to be subsequently put on permanent public display. Individual cases do get exemption but in general the import policy is unhelpful and selective, vesting much discretion in the customs officer. Mallya was not given a customs duty waiver on Tipu Sultan's sword while Sachin Tendulkar got it for his Ferrari! The result is that the public is deprived of viewing the sword of the Tiger of Mysore. Besides, it is a telling indication that, for customs, cricket scores over culture!

Other incentives could be instituted. For instance, if the objects are loaned to government museums for five years or so for public viewing, the institution or individual could be offered substantial tax benefits. This is a practice in many developed countries.

As regards the five personal belongings of Gandhi which were auctioned in New York, the government also needs to probe how they found their way there if indeed they belonged to the Navjivan Trust, as claimed in court. To ensure that no personal belongings of the Father of the Nation are taken out of the country, the government should consider declaring them national treasures by suitably amending the Antiquities & Art Treasures Act, 1972. Artifacts declared national treasures cannot be taken out of India. Besides, such a declaration could form the basis of legal action in foreign courts in the case of articles taken out of the country after the declaration.

There has been a great scattering abroad of Indian cultural artifacts and national treasures over history. They keep turning up periodically at auctions and private sales. The government must not miss any opportunity to acquire them either through its own efforts or through joint public-private partnership or by encouraging private initiatives. We must bring the same passion to this enterprise of bringing home our long-lost treasures for the sake of future generations as the Greek actress and Minister for Culture, Melina Mercouri, did, albeit unsuccessfully, to taking back the Elgin Marbles from Britain. g



(Inset) Cartier-Bresson's classic photo

(From left) opposite page: Gandhi artifacts; Mallya and Tuli: bringing home heritage

by Maj-Gen Mrinal Suman

A myopic effort at transparency is resulting in our armed

ALL militaries strive for a well-balanced equipment profile based on a mix of futuristic, contemporary and vintage technologies in 30:40:30 proportion, respectively. This implies that 30 per cent of equipment must always be based on state-of-the-art technologies to equip a military to gain ascendancy over potential adversaries. At present, India possesses barely 15 per cent equipment based on top-end technologies. The shortfall of 15 per cent has been a cause of major worry for all those associated with national security. It is estimated that it will take India close to $100 billion and 10 years to bridge the existing gap. Unfortunately, instead of taking emergent steps to cover this huge deficit, India has formulated a procurement procedure that effectively denies latest technology to the services with the result that the deficit will continue to increase.

Only contemporary technologies

The starting point of an acquisition proposal is formulation of Services Qualitative Requirements (SQR). Being the users, the services spell out their requirements in terms of functional characteristics. Based on the envisaged operational exploitation of the equipment, functional characteristics are translated into specific SQR which lay down minimum performance attributes of the equipment being sought.

Surprisingly, India's Defence Procurement Procedure-2008 (DPP-2008) stipulates that SQR should be of "contemporary technology widely available in the world/indigenous market". It implies that the services cannot seek cut-

The Indian procurement procedure is far more sluggish and time-consuming. Some proposals take up to 10 years to fructify. Yet, India overlooks the time lag aspect totally

Who cares about TECHNOLOGY?

ting-edge technology but will have to remain satisfied with second-rung technology. Contemporary technology which is widely available in the world/indigenous market can neither be exclusive nor top-end. The services can thus never demand futuristic technologies. Perhaps no other nation lays down such restrictions which are so detrimental to national interests.

More important, DPP-2008 says that in case a single vendor emerges SQR-compliant after paper evaluation of technical proposals, the whole case has to be retracted and a fresh Request for Proposal (RFP) issued with reformulated SQR. Thus, the services are forced to pitch SQR at such base levels that multiple vendors can participate. In order to look transparent and impartial, the government has gone overboard in seeing to it that every proposal elicits response from multiple vendors. Competition is certainly desirable but not at the cost of denying latest equipment to the services.

Unfair commercial evaluation

Similarly, DPP-2008 considers all vendors meeting SQR on a par. Superior performance is of no consequence and earns no extra credit. Any equipment that meets SQR has to be acceptable to the services. The services can neither indicate preference nor demand better-performing equipment. The government signs the contract with the lowest SQR-compliant bidder.

Performance is a function of the level of technology incorporated and enhanced performance is achieved through technological advancements. High-end technology will invariably be more expensive than a mediocre one. Thus, the current policy of equating all SQR-compliant vendors and buying the cheapest equipment effectively saddles the services with commonplace technology.

Time lag of procurement process

In all countries, procurement of new weaponry and equipment is a long, complex and arduous process. The normal time lag between the formulation of SQR and induction of the selected equipment varies between three to six years in case of major systems. That is why nations encourage their services to seek futuristic technologies which are close to getting productionized. This is to ensure that equipment retains its cutting edge at the time of induction.

The services cannot seek cutting-edge technology but will have to remain satisfied with second-rung products

The Indian procurement procedure is far more sluggish and time-consuming. Some proposals take up to 10 years to fructify. Yet, India overlooks the time lag aspect totally. SQR, based on "widely available contemporary technology", lose relevance by the time the services get the equipment. Erstwhile "contemporary technology" gets close to becoming obsolescent. Worse, it takes years for the full contracted quantity to get inducted. Thus, the services get forced to accept equipment which is at the end of its useful life. In some cases, proposals for upgradation of newly acquired equipment have to be initiated soon after their induction to keep them operationally effective. g

Essential Reforms

THE Comptroller and Auditor General (CAG), in its report submitted to Parliament in May 2007, faulted the government for resorting to single-vendor deals frequently. The CAG pointed out that 66 per cent of all procurements had been carried out on single-vendor basis between January 2003 and March 2005. Inability to procure latest equipment through open competition under the provisions of DPP-2008 has been the primary reason for the government's proclivity in adopting the single-vendor route.

Understandably, the government wants to generate competition. However, the solution does not lie in buying commonplace equipment. Depriving the services of latest technology for the sake of promoting competition is not prudent. The solution lies in rectifying the current infirmities of the procurement procedure. The following changes are advisable:

The system of procuring equipment on the basis of minimum performance parameters should be replaced by spelling out performance range. The lower end of the range should indicate minimum inescapable performance level and the upper end should specify maximum acceptable limit.

Due credit should be accorded to better-performing equipment through a well-formulated system of assigning differential weightage to each parameter. The criteria should be included in RFP itself so that all vendors are aware of it at the very outset.

Two or three top-performing items should be short-listed after staff evaluation and their inter se commercial appraisal carried out to determine the most cost-effective option.

The importance of technology in warfare is well recognized. As the service life of major weapon platforms extends up to 30 years, it is essential that equipment procured for induction is of the latest genre of technology so that it does not become obsolete prematurely. Slow and tardy infusion of modern technology has been causing disquiet amongst the services. The current state of affairs cannot be permitted to continue indefinitely.

2 FOR JOY! The many faces

of gfiles since launching in April 2007

ks bains

The POTATO WIZARD of Lahaul & Spiti

The DC who turned these freezing valleys into the world's largest producer of virus-free potato seeds recalls his project

I was born and brought up in a police family. My father, Naurang Singh Bains, who participated in World War II, was in the Punjab State Police Service and retired as DIG, Jalandhar Range. He was also the Chief Investigation Officer of the Nuremberg War Crimes Trials.

I got a BA degree from Government College, Ludhiana and then a BE from IIT, Kharagpur in 1958. Thereafter, having qualified in the Central Engineering Service exam in 1959, I joined the Ministry of Transport. I appeared for the IAS exam in 1960 and got selected for IPS. I took the exam again the next year and qualified to become an IAS officer. I got the news while undergoing training at Mount Abu. My dream of becoming an IAS officer was fulfilled as I always considered it to be far better than any other service. After training, I was allotted to the Punjab cadre in then undivided Punjab, under Chief Minister Pratap Singh Kairon. My first posting was as Sub-Divisional Magistrate of Patti in Bhiwani district and it was here that I first met Bansi Lal when he appeared in my court as an advocate.

Kairon was a visionary leader. He would consult the officers, especially young ones, about their preferred postings. When I requested a posting in Lahaul and Spiti, I was unaware that it would be the most memorable period of my career. The area has very difficult terrain, snow-covered peaks and a most inhospitable climate. The elevation varies from 2575 to 6700 metres.

After joining as Deputy Commissioner of Lahaul and Spiti, I found that the locals grew a crop called kuth which they would sell to the Chinese. What the Chinese did with it remains a mystery. The rate was Rs 800 per 40 kg. In 1962, it dropped to Rs 200 per 40 kg due to the India-China war and ultimately the Chinese stopped buying.

During my stint in Spiti , I came to know of a crisis the potato-growers of Punjab were facing due to viral infection of the crop. I used to visit the potato research centres and had acquired knowledge about potato cultivation. I started applying my mind to find a solution to the problem. This was also the time when Spiti was facing an economic crisis because kuth was the only crop they grew and the Chinese were no longer buying it. It was the extreme cold of Spiti that provided me the clue to a solution. I thought that it was not possible for the potato virus to survive in the freezing temperature of this area for so many months in the year. For almost six months, the area remains cut off from the rest of the world. Although it was very difficult to obtain virus-free seeds, I managed some from the potato research centres of Jalandhar and Shimla and got them planted in Spiti. The Spiti-grown potatoes were virus-free. And the stage was set for Lahaul and Spiti to become a huge production centre for virus-free potato seeds.

I went to Ludhiana and convinced nine farmers to buy the disease-free potatoes of Spiti and sow them in their fields to get rid of the virus. I called everyone concerned in Spiti, briefed them about the plan and told them that these nine farmers would buy the entire crop. As the road to the valley was officially going to close by October 15, I had to complete everything before this deadline. Lack of communication facilities like telephones and helicopters made it more difficult. The only mode of communication with Chandigarh was the telegram.

Lahaul and Spiti farmers did not know how to grow potatoes. We brought some equipment from Punjab Agriculture University, Ludhiana and taught them about potato cultivation. Once marketing was initially assured through the Punjab farmers, Lahaul and Spiti embarked on a journey that transformed the economy of the area. We formed the Lahaul Potato Growers Society in May 1966. It is the second largest primary cooperative society after Amul. The prosperity owed to it can be seen everywhere: petrol pumps and four-star hotels. The area is the world's largest supplier of virus-free potato seeds. Two years ago, I was on a visit and a schoolgirl recognized me and said, "You're Kanwaljeet Singh Bains." I was told that every house in the area has my photo.

I also served as Deputy Commissioner in Ropar, Ferozpur and Amritsar. Serving every district in Punjab is a unique experience. I was posted as Deputy Commissioner, Amritsar in 1969-71. The real challenge came when politician Darshan Singh Pheruman went on a hunger strike in August 1969 to atone for what he termed as backtracking by some Sikh leaders from the pledges they had taken at the Akal Takht and their inability to secure inclusion of Chandigarh and some other areas in the newly-demarcated Punjab

Lahaul-Spiti mom on pony: lives transformed

The prosperity can be seen everywhere. Years ago, I was on a visit and a schoolgirl recognized me: 'You're Kanwaljeet Singh Bains.' I was told that every house in the area has my photo

SHARAD SAXENA

state. He went on a fast inside the Central Jail at Amritsar on August 15, demanding amalgamation with the new Punjab of Punjabi-speaking areas left out. On October 27, the 74th day of his fast, he died.

I worked as Additional Secretary General for the ninth Asian Games in 1982. That was when colour television sets were introduced and Delhi had a massive facelift. A number of flyovers, bridges and stadia came up in Delhi. I worked with Rajiv Gandhi at the time and was able to observe him closely. He was very quick in decision-making. We were able to complete the task within a very limited time frame of only 19 months – from August 1981 to November 1982. As Vice-Chairman of the Delhi Development Authority, I have contributed significantly to its sports infrastructure.

I had the opportunity to work with Kairon, Sardar Gurnaam Singh, Gopi Chand Bhargava, Ram Kishan, Prakash Singh Badal, Laxman Singh Gill, and Giani Zail Singh. Sardar Gurnam Singh was a far-sighted man. He was an Akali and, for the first time, forged an alliance with the then Jan Sangh. It is still continuing in Punjab as the Akali-BJP alliance. The Akalis have been active in Punjab since the freedom movement. Their influence, once confined to Tarn Taran district, has now spread.

I have learned a great deal in the IAS. It teaches a variety of subjects and provides vast experience and exposure in life. **g**

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For the complete list, see www.indianbuzz.com

TRACKING

For a complete list of appointments & retirements, see www.indianbuzz.com

SHANTHA SHEELA NAIR
The 1973-batch IAS officer of the Tamil Nadu cadre has been appointed Secretary, Mining in the Government of India.

ASHOK LAVASA
The 1980-batch IAS officer of the Haryana cadre has been appointed Joint Secretary, Home in the Government of India.

MOHAMMAD HALEEM KHAN
The 1977-batch IAS officer of the Uttar Pradesh cadre has been appointed DG, CAPART.

HAUZEL HAUKHUM
The 1974-batch IAS officer of the Union Territory cadre has been posted as Chief Secretary of Goa.

SS VIRK
The 1970-batch IPS officer of the Maharashtra cadre has been appointed Director General of Police of the state.

SATYABRATA PAL
The 1972-batch IFS officer has joined the National Human Rights Commission as member.

MEERA SHANKAR
The 1973-batch IFS officer has been appointed ambassador to the US.

KUSHAL SINGH
The 1974-batch IAS officer of the Rajasthan cadre is the new Chief Secretary of the state.

SS KHANDWAWALA
The 1973-batch IPS officer of the Gujarat cadre has become Director General of Police of the state.

AVINASH DIXIT
The 1986-batch IDAS officer has joined as Joint Controller General of Defence Accounts.

NK RAGHUPATHY
The 1975-batch IAS officer of the West Bengal cadre is now Chairman, Staff Selection Commission in the Ministry of Personnel and Training.

RK SUD
The 1977-batch IFS officer of the Himachal Pradesh cadre has become Managing Director of the State Small Industries & Export Corporation.

RAJIV NAYAN CHAUBEY
The 1981-batch IAS officer of the Tamil Nadu cadre is now Principal Resident Commissioner to the Tamil Nadu government in New Delhi.

RK CHATURVEDI
The 1987-batch IAS officer of the Madhya Pradesh cadre has been appointed Chief Vigilance Officer in the Mineral and Metal Trading Corporation Limited.

GUR SAROOP SOOD
The 1982-batch IDAS officer has become Chairman and Managing Director, National Scheduled Tribes Finance and Development Corporation.

UPAMANYU CHATTERJEE
The 1983-batch IAS officer of the Maharashtra cadre has been appointed Joint Secretary, Department of Defence.

RUPA DUTTA
The 1986-batch IES officer is now Director in the Planning Commission of India.

FRANK NORONHA
The 1982-batch IIS officer has taken over as Director General, PIB in Delhi.

DK MITTAL
The 1977-batch IAS officer of the Uttar Pradesh cadre has been appointed Additional Secretary in the Ministry of Commerce.

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Moving On: ias and ips officers retiring in April 2009

BIHAR
Kumar D Sinha (1972)
Hasnain Alam (1994)

GUJARAT
MT Joshi (1997)
GS Bokhani (1998)

HIMACHAL PRADESH
VP Gupta (1984)

HARYANA
Lal Singh (1989)

KERALA
M Anirudhan (1993)
VK Vasudevan (1993)

MADHYA PRADESH
SK Chaturvedi (1971)

MAHARASHTRA
Satyabir S Dodd (1973)

NAGALAND
Lalhuma (1974)
K Chubatemjen (1994)

PUNJAB
Som Parkash (1988)

ORISSA
BC Jena (1990)
Bijaya Kumar Dhal (1991)

TAMIL NADU
Arun Ramanathan (1973)
T Pitchandi (1981)
S Audiseshiah (1984)

UTTAR PRADESH
Raja Ram (1978)
Gajendra Pal (1990)
Venktesh B Singh (1990)

UNION TERRITORIES
UK Worah (1990)

ips

ASSAM-MEGHALAYA
Ravindra N Mathur (1973)

JAMMU & KASHMIR
BA Malla (2001)
Anjan Ghosh (1970)

RAJASTHAN
ML Sharma (1972)

UTTARAKHAND
Ashok Kumar (II) (1989)

WEST BENGAL
Anup B Vohra (1972)

gs sood

Investor protection is regulator's duty

THE general election will decisively affect the way our economy moves and the stock markets cannot remain aloof from its impact. But my focus on elections is for a different reason. Consumers and investors have never got the importance they deserve. The election manifestos of major national parties reflect this; they do not even make a mention of them. I fail to understand how the political wisdom of each party can ignore such an important component of the economy, especially when we all agree that we have gone too far on the path of liberalization and are seeing our economy almost free from the shackles of the government.

Also, judging by the way the global meltdown and the Satyam scam have impacted our markets, the parties need to give a relook to their manifestos. True, little could have been done so far as the global financial crisis and its impact on our markets is concerned. But we could surely have averted a Satyam-like incident and its subsequent impact on investor confidence in general. The health of the capital markets is a decisive determinant of how fast the economic recovery can take shape. This in turn depends upon the level of investor confidence and this is determined by the level of safety or protection our regulators can provide them.

However, my regular interaction with the regulator belies all hopes on this count. The regulator either feels helpless or appears to have lost the will to provide the kind of protection that investors expect from it. Most unfortunate is its perception of its own capabilities when it says "it is just not possible to prevent a crime (read scam) from happening". If this is so, the question arises: then why have a regulator at all? The regulator's obsession with the present disclosure-based regime that it so proudly boasts of appears to be backfiring. That is precisely the reason a company like Edserve Softsystems could not only dare to enter the capital markets but could take small investors for a ride so freely. At the time of writing, the company's share price has lost almost 84 per cent of the high it registered on the day of listing and is still logged at the lower circuit. Even those who subscribed to the IPO have lost more than 60 per cent of the money they invested. The worst may not yet be over.

If one reads the SEBI Act of 1992, as amended till date, the powers and functions of the board clearly state that "subject to the provisions of the act, it shall be the duty of the board to protect the interests of investors in securities and to promote the development of, and to regulate the securities market, by such measures as it thinks fit". That means that, whereas the Act clearly states the objective SEBI must strive to achieve, it has left the methods entirely to the SEBI board. If the particular means have not been able to achieve the desired ends, they need to be reviewed. I fail to understand what prevents SEBI from looking beyond the so-called disclosure regime.

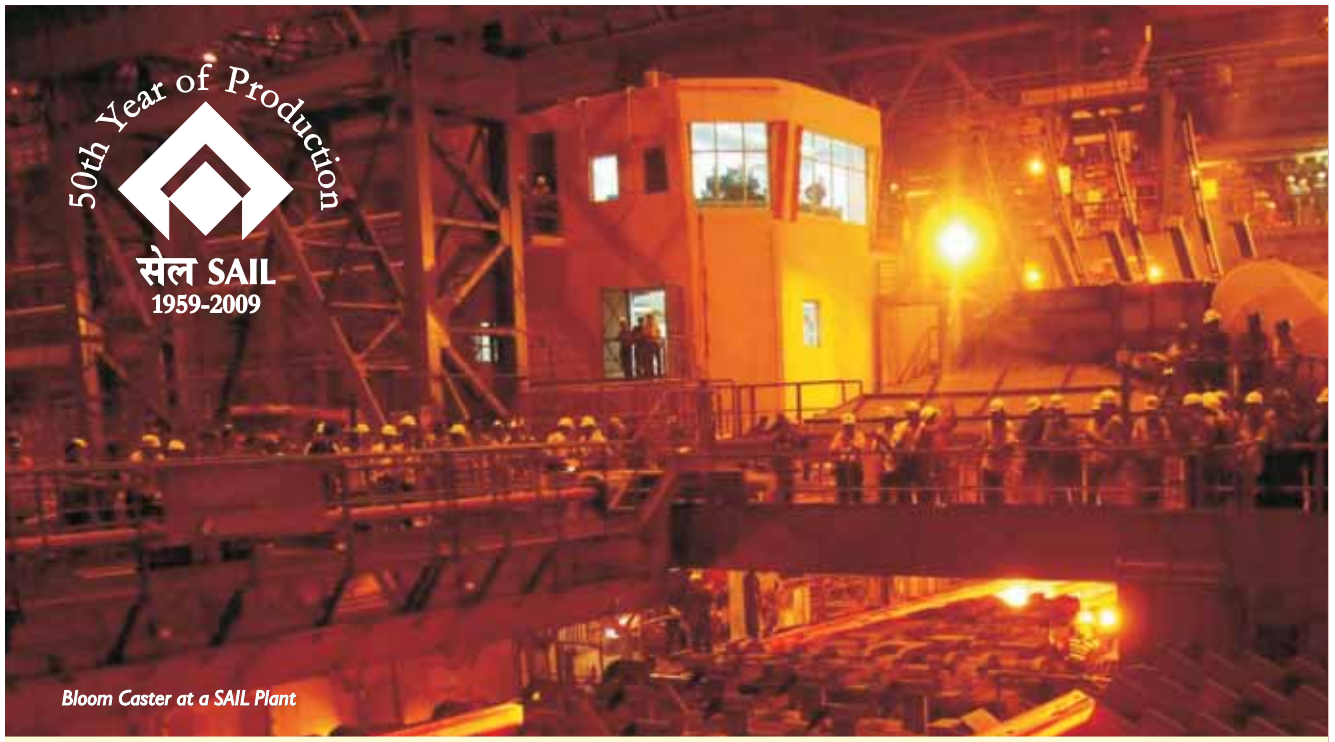
The disclosure regime presumes investors to be educated and enlightened enough to not only have timely access to all relevant information but also understand and interpret it in the right perspective. Recent surveys after the financial crisis in even the most advanced capital markets suggest that not more than 10 per cent of investors in financial assets understand what they have invested in. In India, the reality may be far worse than this.

The regulator either feels helpless or appears to have lost the will to provide the kind of protection that investors expect from it. Most unfortunate is its perception of its own capabilities when it says 'it is just not possible to prevent a crime (read scam) from happening'

SEBI chief CB Bhave

Investor education is a gradual and long-drawn process. Till that is achieved, it becomes the duty of the regulator to take charge of their protection even if it requires the regulator to go beyond the disclosures made by companies and other intermediaries. The situation is akin to a child who holds a lighted bulb, attracted by its glow, but burns its fingers each time. Till the child grows old enough to understand the consequences of holding a lighted bulb, it becomes the duty of the parents to keep the bulb out of reach or cover it with some protective gear. g

Investment-related queries may be sent to gfilesindia@gmail.com with Dr Sood's name in the subject line.



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Venugopal's fall from grace

WEAK-hearted (literally, not figuratively!) politicians and bureaucrats with faith in cardiac surgeon and former AIIMS director P Venugopal's healing prowess, are searching high and low for him nowadays. It seems that no one has any tabs on the once high-profile doctor's whereabouts.

It's a far cry from those hal-

cyon days when Prime Minister Manmohan Singh, who knew Venugopal personally since the PV Narasimha Rao regime, visited him periodically. This was during the tussle between the AIIMS chief and Health Minister Anbumani Ramadoss, and helped to boost Venugopal's ego. Eventually, sensing that AIIMS was slipping into a coma, the PM finally agreed to bring in the law to end Venugopal's tenure.

At his final press conference, Venugopal had loftily announced that he had several offers in the pipeline and that he proposed to establish an AIIMS-like centre for the poor. However, it appears he lost his popularity and high profile along with the AIIMS post. And the final nail in his coffin was hammered in by none other than Manmohan Singh – he was not even consulted for the PM's heart surgery. Last heard, Venugopal had sent feelers to two corporate groups. They apparently excused themselves after learning his demands.

UP policemen crying foul

THE IAS-IPS rift in Uttar Pradesh has widened so much that it has become the talk of the bureaucratic bazaar. For the first time, the policemen have expressed anguish and accused the IAS lobby of victimizing them.

The government, in the name of police reform, had ordered abolition of the post of IG, zone and told the DIGs to work as SSPs in cities — a kind of demotion. And this when the IPS cadre was expecting implementation of

the police commissioner system in the state's major cities! To top it all, the government had authorized the Principal Secretary, Home, to write the ACR of the DGP – earlier the prerogative of the Chief Secretary.

The order was revoked when the IPS association mounted pressure on the government, threatening to file a PIL.

But sources say the actual cause of angst was that the Principal Secretary, Home – Fateh Bahadur – is a 1981-batch IAS officer and far junior to DGP Vikram Singh (1974 batch). The pay scale of a DGP is also higher than that of Principal Secretary, Home.

CBI swings Lalu & Co back to UPA

WHEN Lalu Prasad Yadav, Ram Vilas Paswan and Mulayam Singh Yadav formed a pre-poll alliance independent of the UPA after five years as Cabinet Ministers, they reportedly told their supporters that the CBI could no more probe cases pending with it during electioneering. Hence, it was safe to ignore the Congress.

The CBI is probing the disproportionate assets case against Mulayam and the fodder scam case against Lalu.

But the two Yadavs were proved wrong when the CBI, under Director Ashwini Kumar, recently gave a clean chit to Jagdish Tytler in a 1984 anti-Sikh riot case. The agency can still work in the run-up to the polls.

Immediately, the leaders' tone towards the Congress changed! Now, they are repeatedly asserting that Manmohan Singh would be their choice as the next PM and they would be part of the UPA.

Neelam ushers new era at PIB

THE appointment of Neelam Kapoor, a 1982-batch IIS officer, as the next Principal Director General (DG) of the Press Information Bureau (PIB) has sent its entire staff into a tizzy. In contrast to the softspoken and considerate Umakant Mishra, the outgoing DG, she is considered a hard taskmaster and uncompromising in routine official work. This reputation was built during her previous stint as DG, Directorate of Advertising and Visual Publicity.

The PIB employees say that, as the official instrument of the Central government responsible for publici-

ILLUSTRATIONS: ARUNA

ty, it should have a flexible and accommodating chief. They are aware of her considerable political clout and also that she has nine years of service left.

Saddened, they are reduced to reminiscing about the amiable Mishra who is now Adviser in the Indian Institute of Mass Communication. g

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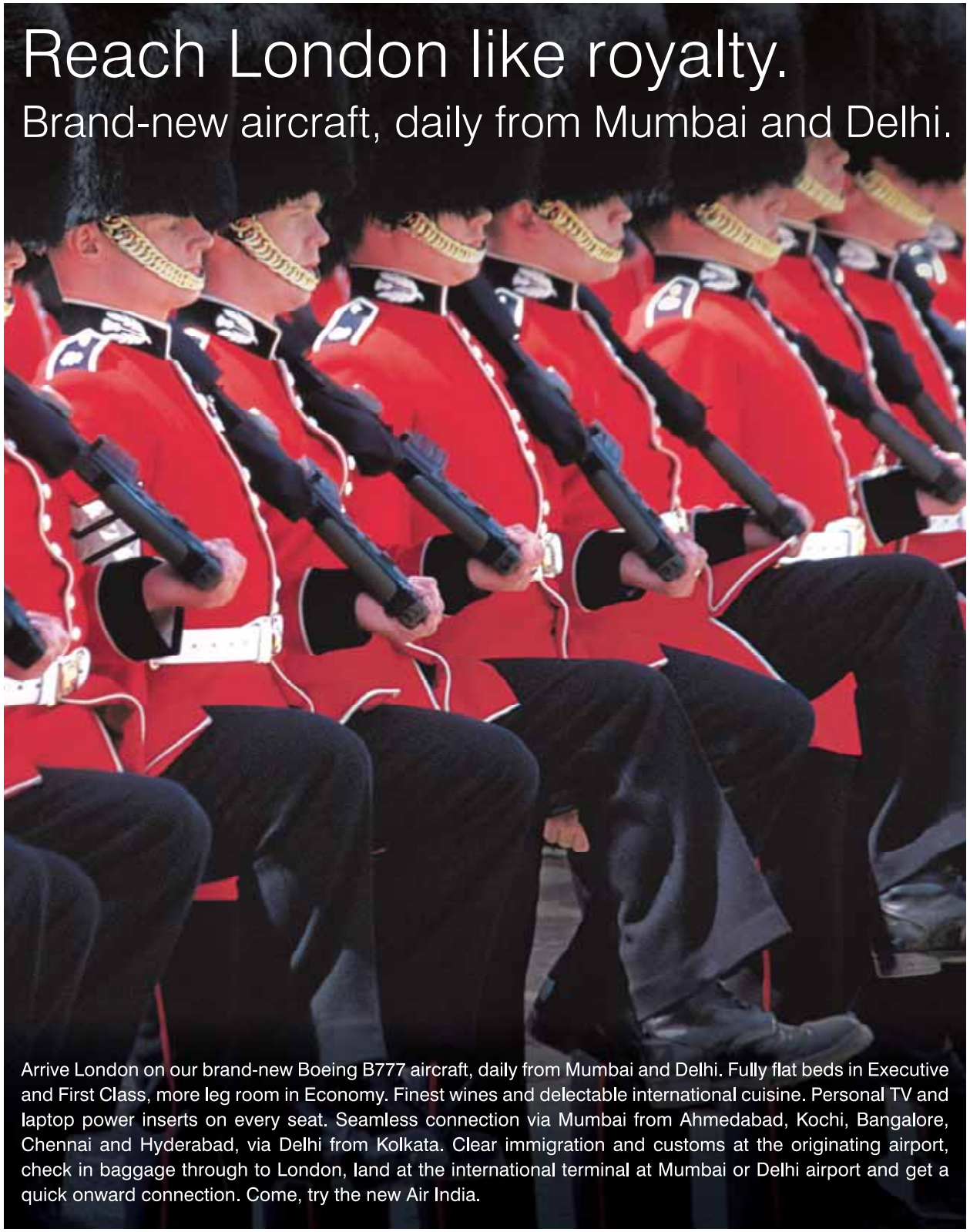

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